

REQUEST FOR TOLLING AND TOLLING WAIVER

George S. Flinn, Jr., (“Flinn”), licensee of WFBD (Destin, FL), hereby respectfully requests tolling of the subject Channel 29 construction permit and a waiver of 47 CFR § 73.3700(b)(5)(iv) in connection with the subject Request for Tolling. In support thereof, the following is shown:

As the Commission’s records will reflect, despite Flinn’s reasonable efforts, WFBD (a Phase 7, independent station) had been unable to complete construction of its new facility (on Channel 29) on time due to circumstances beyond its control. Specifically, the repack rebuild of WFBD requires the dismantling of its old tower and the complete construction of a new tower. As the FCC is aware, tower crews have been in short supply and previous Phase 1-7 work has created trickle down delays. Flinn has retained ERI to effectuate the project and has been diligently working with ERI in attempting to schedule and complete the tower deconstruction and construction.

On November 20, 2019, the FCC granted Flinn’s previous request for extension of the WFBD construction permit until July 15, 2020.

After grant of the extension request set forth in the FCC’s November 20, 2019 letter, Flinn persevered through tower crew and equipment supplier/contractor issues occasioned by repack delays on their end (and not WFBD’s). In addition, the COVID-19 pandemic continues to wreak havoc with scheduling. ERI has had to reschedule its commencement of WFBD’s tower project(s) several times. Just last week, ERI notified Flinn that ERI could not commence the tower project until the end of July, 2020.

Despite the tower deconstruction/construction scheduling issues, Flinn expects that all the equipment (e.g., the antenna and transmitter) will be ready to be installed once ERI completes its work. ERI has tentatively indicated that it expects to commence dismantling of the old tower during the last week of July, 2020. At the same time, ERI expects to begin shipping the steel for the new tower. Assuming that all things go perfectly, a mid-October completion of the new tower build should be possible. The new antenna will soon be shipped to a site near the WFBD tower site (and stored) so that time can be saved in getting the antenna mounted once the new tower is finished. Flinn expects the new transmitter to be similarly shipped, stored and ultimately available for timely installation.

In sum, as noted in WFBD’s first extension request (i.e., granted on November 20, 2019), the rebuild of WFBD has been extremely difficult for a number of reasons, most notably that the WFBD rebuild requires (a) the complete dismantling of the old tall tower (since it could not be modified consistent with the hurricane standards now in place) and (b) the erection of a new tall tower. There are very few tower companies that can handle such a project and WFBD was fortunate that ERI agreed to take on the project. That being said, ERI’s project caseload from earlier phases combined with the major impacts that Covid-19 has had on tower crews and scheduling has caused various, significant delays.

WFBD has done everything in its control to build the new Channel 29 facilities and effectuate the FCC-mandated channel change from Channel 48 to Channel 29. Though circumstances beyond its control have resulted in the repack reconstruction delays, grant of this tolling request is not likely to negatively impact the overall transition schedule since WFBD has already ceased operations on its pre-auction channel. In addition, on July 10, 2020, WFBD filed a Request for Extension of its current Silent STA.

Even assuming ERI's current mid-October tower work completion goal comes to fruition, it is reasonable to expect that the ever-increasing COVID-19 issues in Florida and Alabama will impact the various contractors finalizing the rebuild. As such, in the interest of providing a reasonable project time buffer, Flinn respectfully requests a five month extension of the Channel 29 construction permit (to December 15, 2020) to complete the Channel 29 rebuild and file the covering license application.

In light of the foregoing, it is respectfully submitted that grant of the subject tolling request (and waiver) is in the public interest.